

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:
STEPHEN BRADLEY HALFERTY

CASE NO: 22-00101-5-DMW
CHAPTER 13

Debtor

OBJECTION TO CONFIRMATION

NOW COMES the Chapter 13 Trustee, and hereby moves for entry of an order denying confirmation of the Debtor's chapter 13 plan by finding it does not comply with the provisions of 11 U.S.C. §§ 1322 and or 1325. The basis for this objection is set forth below:

1. The Debtor has failed to attend the required meeting of creditors and submit to an examination by the Trustee pursuant to 11 U.S.C. § 341, therefore the Trustee cannot determine if the Debtor's plan meets all requirements for confirmation under 11 U.S.C. §§ 1322 and 1325.
2. Upon information and belief, the Debtor has failed to file all applicable Federal, State, and local tax returns as required by 11 U.S.C. § 1308, and therefore has not complied with 11 U.S.C. § 1325(a)(9).
3. The Debtor has not provided the Trustee with a copy of the Federal income tax return required under applicable law, or a transcript of such return, for the most recent tax year ending immediately before the commencement of this case and for which a Federal income tax return was filed, as required by 11 U.S.C. § 521(e)(2)(i). The Trustee therefore cannot determine if the Debtor has complied with 11 U.S.C. § 1325(a)(9), by filing all applicable tax returns required by 11 U.S.C. § 1308.
4. Upon information and belief, the Debtor will be unable to make all payments under the plan and comply with the plan, as required by 11 U.S.C. § 1325(a)(6).

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court deny confirmation of the plan, and for any other relief the Court deems just and proper.

Dated: March 25, 2022

/s/ John F. Logan
John F. Logan
CHAPTER 13 TRUSTEE
N.C. BAR NO. 12473
PO BOX 61039
RALEIGH, NC 27661-1039
TELEPHONE: (919) 876-1355

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CERTIFICATION OF SERVICE

I, Kristen McGowan, of PO Box 61039, Raleigh, NC 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and

That I have this day served copies of the foregoing Objection to Confirmation on the parties listed below by depositing a copy of same in the United States mail bearing sufficient postage, or if such interested party is a Filing User, by serving such interested party by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

DATED: March 25, 2022

/s/Kristen McGowan

Case Administrator

By U.S. Mail

DEBTOR
STEPHEN BRADLEY HALFERTY
1132 SHADOW LAKE DR.
RALEIGH, NC 27615

By CM/ECF:

ATTORNEY FOR DEBTOR
WILLIAM E. BREWER, JR.
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RALEIGH, NC 27601